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MICHIGAN'S CITIZEN PARTICIPATION STATUTE

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Public Act 189¹ represents an attempt by the Michigan state legislature to define the role of citizen participation in the urban redevelopment process. The main thrust of the act is manifested by the following provisions:

1. Give legal recognition to and a legal basis for the formation of community councils (groups) through which the views of local residents in development areas might be incorporated in the development plan.
2. Require the City to work closely with the local council to assure that the council participates in the formulation and execution of plans.
3. Require the City to provide the council with all relevant information on the area so that the affected citizens can be kept informed.
4. Allow the council to delay the plans for 30 days if it disapproves of them. During this 30 day period the council can exert pressure on the City to modify the plans.
5. Require citizen participation prior to a City's determination that an area is blighted, before a relocation plan is formulated, and prior to the adoption of the development plan.

Many of the above stipulations are very similar to HUD's 1969 directive² regarding the relationship between a Project Area Committee (PAC) and the Local Public Agency (LPA). HUD attempts to assure citizen participation by suggesting that the LPA provide technical assistance to PAC.

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1. MICH. STAT. ANN. §§ 5.3504, 5.3504(1), 5.3511 (Supp. 1969). The statute is reproduced in part in Appendix A.

2. RENEWAL ASSISTANCE ADMINISTRATION, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, *Urban Renewal Handbook* § 7217.1, c. 5, § 2 (Feb. 1969). The regulations are reproduced in part in Appendix B.

Historically, it might be said that the law came into being as a response to the demands on the part of certain local community groups (such as the West Central Organization that was organized to oppose the expansion of Wayne State University) that their desires be incorporated in the planning process. Most, if not all of the sponsors of the law, were representatives from the City of Detroit. When the law was passed, it was hailed by many of the more active community leaders as a new source of power that would give the local citizens the ability to exert control over the redevelopment of urban areas. However, this interpretation of the law by community leaders is not shared by certain members of the legal profession and those persons who were aware of the political compromises that took place in order to get the law passed. It is felt that even though the law is an advancement over HUD requirements regarding citizen participation, the state legislature had no intention of giving the local citizenry an effective veto power over the development plans of the City.

Regardless of what the intentions of the state legislature were, there are several groups within the Detroit area who have assumed that they have a legal right to block any development plans affecting their area with which they are dissatisfied. One group is the Forest Park District Council (FPDC). FPDC is located in an area that is designated for development under the conventional urban renewal process. It also lies within the boundaries of the Model Cities Program and the general area proposed for the Neighborhood Development Program (NDP).³ For a number of reasons FPDC did not want its area included in the NDP application to HUD. However, despite Forest Park's (FP) wishes, the local housing authority (which is the official agency for developing the plans for NDP) included FP in the NDP application.

Based upon its interpretation of Public Act 189, FP felt it had a legal right to exclude itself from the NDP application submitted to the local legislative body for its approval. With the support of other community groups, FP demanded that the legislative body reject that part of NDP which affected the FP community. This demand was granted.

Although the demand by FP and the response by the City of Detroit to that demand is not a clear example of a community group exercis-

3. See 42 U.S.C. § 1469 (Supp. 1968). The NDP, or Neighborhood Development Program, is an incremental, annual urban renewal development process first authorized in the Housing Act of 1968.

ing veto power over a local development plan, it does represent what can take place when an organized community interprets Act 189 as giving it power to impede the redevelopment process when the city fails to abide by the views of the citizenry.

Acting under its interpretation of its power under Act 189, another Detroit community council called University City B (UCB) was able to successfully persuade the City to delete certain development plans from the NDP proposal affecting the UCB area. This group, like FP, was well organized and had a strong base. Other groups which are disorganized and lack a strong power base have been unsuccessful in their attempts to block the City's development plans. This last observation might lead one to conclude that Act 189 is not self-executing and that in the absence of a strong community council the provisions of the Act might be ignored by the local government.

In the case of FP and UCB no legal action against the City by these councils took place. However, in the case of the City of Hamtramck, located within the Detroit area, a suit has been filed in federal court by the local community council charging the City with the violation of statutory requirements for citizen participation as set out by Act 189 and HUD's 1969 directives regarding citizen participation. More specifically, the council has charged the City with failing to:

1. Consult the council in good faith.
2. Work closely with the council so as to assure its participation in the formulation and execution of plans.
3. Provide council members with sufficient information.
4. Consider and activate suggestions of the council which are applicable to the execution of plans.

Even though no one is prepared to predict what the court will decide or what will be the implication of the anticipated court decision, officials of the City of Detroit are watching the Hamtramck case very closely.

Given the provisions of Act 189, the short time that it has been in effect and the community councils' interpretation of it, it does appear to have increased the level of political awareness on the part of local groups located within development areas. Even though the Act spells out some of the rights of local organizations, it does not set forth any legal remedies that a district council might seek in those cases where the community feels that the City has violated the statutory requirements of the law.

The law does appear to be an improvement upon the urban renewal laws regarding citizen participation in that the role of the

citizen in the development area under the Act appears to be more clearly defined than his role under the HUD provisions and he is given a voice earlier in the development process.

APPENDIX A

MICHIGAN'S CITIZEN PARTICIPATION STATUTE (IN PART)

MICH. STAT. ANN. § 5.3504

(c) District areas shall be designated for all development areas that have been approved by a local legislative body and subject to the terms of this act as of January 1, 1968, and all subsequent development areas that are so approved. . . .

For each district area, a citizens' district council of not less than 10 nor more than 25 members shall be selected in a manner that ensures that the citizens' district council is to the maximum extent possible representative of the residents of the area and of other persons with a demonstrable and substantial interest in the area. The majority of the citizens' district council shall be composed of citizens living in the development area. . . .

The local official responsible for preparation of the development plan within the district area shall periodically consult with and advise the citizens' district council regarding all aspects of the plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin prior to any final decisions by any local planning agency or local legislative body regarding the development plan other than the designation of the development area. The consultation shall continue throughout the various stages of the development plan, including the final implementation of the plan. The local officials responsible for the development of the plan shall incorporate into the development plan the desires and suggestions of the citizens' district council to the extent feasible. No local commission, public agency, or local legislative body of any municipality shall approve any development plan for a development area unless there has previously been consultation between the citizens' district council and the local officials responsible for the development plan.

A record of the meetings, including information and data presented, shall be maintained and included in official presentation of the proposed development plan to the local legislative body. The chief executive officer of the municipality shall give the citizens' district council written notice of any contemplated zoning change, hearing or condemnation proceedings within the district area. The notice shall be given at least 20 days prior to the effective date of the change or the date of the hearing or proceedings. Upon receiving a request from the citizens' district council, the local legislative body shall hold a public hearing on the proposed zoning change or condemnation proceedings. Each citizens' district council may call upon any city department for information.

(d) In a municipality with 2 or more district areas, each citizens' district council shall elect 4 of its members who shall compose the entire membership of the coordinating council on community redevelopment. The committee shall advise local units of government on proposed policy on urban renewal, make recommendations for new projects and promote better relations between local units of government and residents of urban renewal areas. Notwithstanding any other provisions of this act, the formation of a coordinating council on community redevelopment shall not be a requisite for or condition of the exercise of the powers herein granted for the acquisition, sale or lease of real property or the carrying out of a development plan in a development area. . . .

MICHIGAN'S CITIZEN PARTICIPATION STATUTE

MICH. STAT. ANN. § 5.3504(1)

No action taken under this act shall have the effect of promoting or perpetuating racial segregation in housing. To secure this objective, the local legislative body, municipal officials and agencies, citizens' district councils, and the coordinating council on urban redevelopment must consult with and seek the assistance of the state civil rights commission.

APPENDIX B

HUD'S CITIZEN PARTICIPATION REGULATIONS (IN PART)

CHAPTER 5. CITIZEN PARTICIPATION SECTION 2. PROJECT AREA COMMITTEE

1. ESTABLISHMENT OF PROJECT AREA COMMITTEE.

- a. Project Involving Residential Rehabilitation. A Project Area Committee (PAC), made up of residents of the project area, shall be established for each urban renewal project in which residential rehabilitation activities are contemplated.
- b. Other Urban Renewal Projects. Although not a program requirement, the establishment of a PAC is encouraged for all other urban renewal projects in which residential rehabilitation activities may not be contemplated. The LPA shall support and work with the PAC as set forth below.

2. COMPOSITION OF PAC.

- a. The PAC shall be established in cooperation with local residents and groups. It shall be representative of a fair cross section of the residents of the urban renewal area and shall adopt no financial deterrents to membership or participation by residents of the urban renewal area.
- b. Where an existing neighborhood organization in the project area either meets the requirements for a PAC or adapts itself to meet them, it may serve as the PAC. Other neighborhood organizations which may exist or be formed in the project area shall relate to the LPA through PAC. The PAC shall be the forum for these organizations to participate in the project.

3. RELATIONSHIPS BETWEEN LPA AND PAC.

- a. The LPA shall work closely with the PAC to assure that project residents participate in the formulation and execution of plans for renewal of the area and improvement of the condition of its residents.
- b. Sufficient information about the project shall be made available to project residents to enable them to participate knowledgeably.
- c. The LPA may provide the PAC with necessary technical assistance either by the provision of staff personnel or by contracting with consultants who will provide services to the PAC. The LPA must assure that the PAC has the capacity to participate in the formulation and execution of plans for renewal of the area and improvement of the condition of its residents.

- d. The LPA may also make arrangements with the PAC for the PAC to assist in the utilization of residents in various capacities in the project such as interviewers or relocation aides. Arrangements may include the PAC's selecting residents or setting up training programs for them.
4. **URBAN RENEWAL PROJECTS IN MODEL NEIGHBORHOODS.** The PAC requirements do not apply to urban renewal projects in model neighborhoods under the Model Cities Program. In cases of urban renewal projects in areas being planned as model neighborhoods, Model Cities guidelines and performance standards for citizen participation will apply. . . .

CASE COMMENT

